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Previous References.

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Later References.
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Prisons

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GENERAL AND REVENUE SECRETARIAT

Serial Nos. /

Part B for 0 Volume

SUBJECT.

Prison Reforms — Amendments to the Jail Manual —

Sh 3) G.O. No. P 2849-59 — dt 1-6-43

To the Govt of Prisons
the District Magistrates of Districts

Passes orders on the amendments suggested by the Prisons Reforms Committee to the Jail Manual.

Attested
Under

Prison Reforms - Amendments to the Jail Manual

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In paragraph 30 of Chapter I of their Report, the Prison Reforms Committee observe that the last chapter of their Report is followed by a short list of suggestions as to amendments which may be made with advantage in the existing rules in the Jail Manual, over and above those which would be directly consequential on the acceptance of the Committee's recommendations — the amendments proposed by the Committee to the Jail Manual are given on page 329 of the Report. They are —

(1) Substitution of the following for rule 28 —

"The Supt shall visit the jail at least once in the forenoon and once in the afternoon of every working day, and on Sundays and holidays also whenever special circumstances renders it desirable that he should do so. If, from any cause, he is prevented from visiting the jail on any day on which he is by this rule required to do so, he shall record the fact and the cause of his absence in his diary. At least twice a month he shall visit the jail at night, and satisfy himself that the guarding is being properly performed, and that everything is in order."

The net effect of the new rule is that the Supt will be required to visit the jail twice every working day instead of once only under the present rule, and at least twice a month at night instead of once only as at present

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(2)

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The new rule is identical in terms with rules 35 of the Madras Prisons Manual

(2) Addition of the following as sub-rule to Rule 49 —

"The Medical officers shall examine all candidates for employment and all jail officers who may be sent to him by the Supt for that purpose, and shall certify in writing regarding their physical capacity and state of health"

This sub-rule is identical in terms with sub-rule (2) of rule 56 of the Madras Prisons Manual.

(3) Addition of the following as Rule 75A —

"With the permission of the Supt the Jailor, Deputy Jailor, and other jail subordinates may be allowed as reasonable supply of vegetables for their own consumption from the jail garden free of charge, provided that no such permission shall be given unless the entire supply of vegetables required for jail use is being obtained from the jail garden"

Mr desirable — New rule to be added

This Rules corresponds to rule 88 of the Madras Manual.

(4) Addition of the following as Note (2) to Rule 200 —

"The age of the prisoners for the purposes of their segregation and treatment under the Prisons Act should be fixed by the Medical Officers of the jail"

This Note is the same as Note 2 to rule 212 of the Madras Manual

(5) Addition of the following as the last sentence to Rule 234—

"In the case of under-trial and civil prisoners, as similar procedure shall be followed as regards the warrants and admission registers"

The addition of this sentence brings our rules on a par with the corresponding Madras Rule (249).

(6) Addition of the following as explanation under Rule 298

"For this rule prison offences punished only with a warning shall not be taken into account"

The explanation proposed makes it clear that a warning should not be taken into account in awarding remission for good conduct. It corresponds to the explanation under rule 319 of the Madras Manual

(7) Addition of the words "whether entitled to ordinary remission or not" between "prisoner" and "for" in the first sentence of Rule 303

The addition of these words makes it clear that special remission for special services may be given even to a prisoner who is not entitled to ordinary remission. These words occurs in the corresponding Madras Rules on the subject (Rule 324)

(A)

(8) Addition of the words "and permitted to share the concessions, including extra remission, given to qualified prisoners while so employed" after the words "convicts who are not fully eligible may be so employed" in rule 326;

(B) Omission of sub-rule (3) of that rule which provides that no convict who is not fully eligible shall receive the extra remission admissible to convict officers.

The net effect of the above two amendments is that convicts, who are not eligible for employment as convict officers, will be entitled to the same concessions as fully qualified convict officers, whenever they are appointed as convict officers in the absence of a sufficient number of convicts eligible for employment as convict officers

The two amendments bring our rules into line with the corresponding Madras Rule (Rule 346)

(9) Substitution of the following for sub-rule (4) of rule 453 —

"A prisoner entitled to release on any jail holiday shall be released on the previous day"

The present rule provides that prisoners entitled for release on Sundays should be released on the previous day. The new rule takes into account jail holidays other than Sundays also and is identical with the corresponding Madras rule (Rule 497)

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(10) Substitution of the words "gail holiday for the word "Sundays" at the end of Rule 455.

Under the rules Supts are not required to accept payment of fines after 5 P.M. or on Sundays The proposed amendment substitutes "gaol holidays" for "Sundays", and — so our rules into line with the corresponding Madras rule (Rule 500)

(11) Substitution of the following for the existing rule 463 —

"No action shall be taken on a telegram ordering the release of a prisoner, unless it has been sent by a Secretary to Govt, or the Registrar of the High Court. If doubt is felt as to the genuiness of a message, a telegraphic enquiry should be made"

No change

The present rule simply provides that no action shall be taken on a telegram directing the release of a prisoner. The new rule brings it on a par with the Madras Rule (Rule 501)

(12) Addition of the following as Rule 466-A.

"If a prisoner detained solely under a sentence of imprisonment in default of furnishing security to keep the peace or for good behaviour is so seriously ill as to be likely to die, whatever the term of his unexpired sentence, the Supt shall refer the case immediately to the Dist Magte, who should exercise the discretion allowed to him

by section 124 of the Code of Criminal Procedure, under which he can release the prisoners without referring to Govt"

The new rule makes provision for the release of security prisoners on medical grounds. It corresponds to rule 514 B of the Madras Manual

(13) Addition of the following as Rule 466 B ——

"In cases such as serious eye ~~trouble~~ diseases, complicated pregnancy, or where special operative skill is required, the Medical Officer may certify to the necessity of transferring such prisoners to a general or special hospital for treatment. He shall record a full statement of the case and forward the same to the Supt, who shall forthwith submit it to the Inspector-General, for orders of Govt being obtained for the temporary release of the prisoner. Before removing the prisoner, the Supt shall make the necessary arrangements for sending him to the hospital for treatment. The prisoner shall be provided, if necessary, with railway warrants for his journey to and fro, subsistence allowance, and cart hire. The railway warrant, subsistance or any other allowances for the return journey, may be sent to the officer in charge of the Hospital to be delivered to the prisoner on

discharge. The prisoners shall be issued with private clothing on release to be withdrawn on his readmission. If the Medical officer considers the case so serious as to require an attendant, the Supt shall provide as proper attendant. Female prisoners shall be provided with female attendants.

In the case of prisoners of a dangerous type, who are temporarily released and sent to general hospitals for medical treatment, a regular police guard should be arranged for. The prisoners should, in such cases, be sent to the hospitals only after ascertaining from the hospital authorities that separate accomodation is available. In emergent cases necessitating the immediate ~~release~~ removal of sick prisoners to general hospitals, in which delay in sending such prisoners to the hospitals is, in the opinion of the Medical Officers of the jails, likely to prove fatal, the prisoners should be sent without delay to the hospitals, and the hospital authorities should make the best practicable arrangements irrespective of the fact that separate accomodation is or is not available in the hospital.

The Supt may transfer as prisoners to a hospital in anticipation of the sanction of Govt, where the Medical Officers considers such transfer absolutely necessary in order to conduct a surgical operation or otherwise"

The proposed rules provides for the conditional release of prisoners for treatment in hospitals outside the jail. It is consistent in terms with Rule 518 B of the Madras Prison Manual

(14) Addition of the following at the beginning of Rule 496 —

"Ankle rings shall be used for purposes of security only on prisoners that have to be attached to a chain after lock-up, when occupying tents and temporary buildings which are insecure"

The rule as it now stands gives a description of the ankle rings to be used on prisoners but does not mention when such rings are to be used. The amendment proposed makes this clear. It corresponds to the opening words of rule 544 (1) of the Madras Manual

(15) Addition of the following as rule 507 A —

"The warrant of a prisoners who escapes from jail shall be retained in the jail for a period of ten years from the date of his escape. If he is not recaptured within that period it shall be returned to the Committing Court with an endorsement that the prisoner escaped from the jail ten years ago and has not been recaptured"

This rule prescribes the procedure for the disposal of warrants of escaped prisoners. It corresponds to rule 557 A of the Madras Manual

(16) Insertion of the following as sub-rules (2) and (3) of rule 536 —

"(2) Every patient in hospital shall be provided with a proper mattress and a pillow and with white sheets.

(3) If an epileptic is placed in a cell there shall be no raised masonry berths, but it shall be provided with a mat of as thick a pattern and shall sleep on the floor".

These two proposed sub-rules correspond to sub-rules (2) and (3) of rule 586 of the Madras Rules

(17) Insertion of the following as sub-rule (4) of rule 640 —

"In cases of serious illness or where operative skill is required, the Superintendent of jails may, in anticipation the sanction of the civil court, remove civil prisoners to an outside hospital for treatment. A brief statement of the case and a certificate as to the necessity for the transfer should be furnished to the Inspector-General forthwith"

This rule provides for the release of civil prisoners on medical grounds, and corresponds to sub-rule (4) of rule 698 of the Madras Rules

(18) Addition of the following at the end of rule 646

"or on Sundays or other holidays; and provided that in the case of the subordinate

allowances paid by as detaining creditor becoming exhausted on a Sunday or other holiday and not being renewed, the debtor shall not be released on the preceding day, but on the following Monday or working day, as the case may be"

This addition of these words brings the rules into line with the corresponding Madras rules (Rule 704)

(17) Addition of the following as sub-rule (1) of rule 660 —

"The duty of ascertaining the time at which a prisoner committed to the sessions is to be produced before the Sessions Court, and of providing the necessary escort for this purpose, rests with the police"

This rules corresponds to sub-rule (1) of rule 741 of the Madras Rules

(18) Addition of the following as Rules 701A

"Where a condemned prisoner appeals to the High Court, the Supt shall at once inform the Dist Magte"

This corresponds to rule 801 of the Madras Rules

(19) Addition of the following as rule 704A —

"On the event of etc coming to the knowledge of the Supt, at any time before the

execution of the sentence, he is at liberty, anything in the foregoing rules notwithstanding, to report the circumstances by telegraph to the Govt, and ask for their orders and to defer execution till they are received"

This rule proposed gives some discretion to the Supt to stay execution of the sentences of death if exceptional circumstances come to his knowledge. It corresponds to rule 811A of the Madras Rules.

(28) Addition of the following as rule 710-A.

"When the execution takes place within jail premises, the Supt may admit any adult male relative of relatives of the prisoner and any other respectable male adults, up to a maximum of twelve, to witness the execution"

NOT
desirable
to allow

This rules provides for the presence of the relatives of a condemned prisoner to witness his execution. It corresponds to rule 817 of the Madras Rules

(28) Addition of the following as rule 751A —

"When a prisoner confined in a jail under section 466 of the Code of Criminal Procedure is certified to be capable of making his defence, the certificate made under section 473 shall be sent, together with a medical history

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Prison Reforms (Amendment to the Jail manual)

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of the case, which should include information as to his conduct while on jail, to the Court before which he is to be tried, in view to the Court appointing a time for trial"

This rule is connected in terms with rules 861 of the Madras Manual

The above are the amendments which the Committee have suggested. They bring our relevant rules into line with the Madras Rules. They may perhaps be approved

MNV
12/9/43

Law Secy

May be approved. They follows Madras Rules

Mur Secy

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27/9/43

Agreed G.O No. P 2849-59. dated 7.10.1943 accepting the recommendation of the Committee Madras in respect of the amendment.

Cus
28-9-43

Issue today
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SECY. LAW DEPT. 2096 14/9/43 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR REVENUE & LAW 15 SEPT. 1943 No. 1738

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SECY. LAW DEPT. 2096 23/9/43 GOVT OF MYSORE

OFFICE 1600

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-

The amendments suggested by the Prison Reforms Committee to the Mysore Jail Manual.

Order No. P 2849-59/Poms 16-43-3

Dated, Bangalore, the 1st ~~Sept.~~ October '43.

The Prison Reforms Committee have appended to their Report, a short list of suggestions as to the amendments which may be made with advantage in the existing rules in the Jail Manual over and above those which would be directly consequential on the acceptance of the Committee's recommendations. The amendments suggested by the Committee are as follows:-

Rule 28:
Daily visit to jail.

1. Substitute the following for Rule 28:-

"The Superintendent shall visit the Jail at least once in the forenoon and once in the afternoon of every working day, and on Sundays and holidays also whenever special circumstances render it desirable that he should do so. If, from any

cause, he is prevented from visiting the jail on any day on which he is by this rule required to do so, he shall record the fact and the cause of his absence in his diary. At least twice a month he shall visit the jail at night, and satisfy himself that the guarding is being properly performed and that everything is in order. ---

2. Number the existing Rule 49 as sub-rule (1), and add the following as sub-rule (2):-

Rule 49

Examination of candidates.

"The Medical Officer shall examine all candidates for employment and all Jail officers who may be sent to him by the Superintendent for that purpose, and shall certify in writing regarding their physical capacity and state of health."

3. After Rule 75 add the following as Rule 75-A:-

Rule 75-A:

Supply of vegetables to officers.

"With the permission of the Superintendent, the Jailor, Deputy Jailor, and other jail subordinates may be allowed a reasonable supply of vegetables for their own consumption from the jail garden free of charge, provided that no such permission shall be given unless the entire supply of vegetables required for jail use is being obtained from the jail garden."

Rule 200.

Age for seggregation and treatment.

4. Number the existing Note to Rule 200 as (1) and add the following as Note (2):-

"The age of the prisoners for the purposes of their segregation and treatment under the Prisons Act should be fixed by the Medical Officer of the Jail."

Rule 234:

Superintendent to check entries.

5. Add the following as the last sentence to Rule 234:-

"In the case of under-trial and civil prisoners, a similar procedure shall be followed as regards the warrants and admission registers."

Rule 298:

Award of remission for good conduct.

6. Add the following as an Explanation under Rule 298:-

"For this rule prison offences punished only with a warning shall not be taken into account."

Rule 303: Qualifications for special remission.

7. Add "whether entitled to ordinary remission or not" between "prisoner" and "for" in the first sentence of Rule 303.

Rule 325: Appointment of unqualified convicts as warders.

8. (a) In the opening sentence of Rule 325 after the words "convicts who are not fully eligible may be so employed," add "and permitted to share the concessions, including extra remission, given to qualified prisoners while so employed"

(b) And omit sub-rule (3).

9. Substitute for sub-rule (4) of Rule 453 the following:-

Rule 453 (4):

"A prisoner entitled to release on any jail holiday shall be released on the preceding day."

Procedure prior to releasing convict.

10. Substitute the words Jail holidays' for the word 'Sundays' at the end of Rule 455.

Rule 455: Compliance with orders received.

11. Substitute the following for the existing Rule 463:

Rule 463;

"No action shall be taken on a telegram directing the release of a prisoner, unless it has been sent by a Secretary to Government or the Registrar of the High Court. If doubt is felt as to the genuiness of a message, a telegraphic enquiry should be made."

Treatment of telegraphic orders of release.

12. Add the following as Rule 466-A:-

Rule 466-A:

"If a prisoner detained solely under a sentence of imprisonment in default of furnishing security to keep the peace or for good behaviour is so seriously ill as to be likely to die, whatever the term of his unexpired sentence, the Superintendent shall refer the case immediately to the District Magistrate, who should exercise the discretion allowed to him by Section 124 of the Code of Criminal Procedure, under which he can release the prisoner without referring to Government."

Release of security prisoners on medical grounds.

13. Add the following as Rule 466-B:-

Rule 466-B:

"In cases such as serious eye-disease,

operative skill is required, the the Medical Officer may certify to the necessity of transferring such prisoners to a general or special hospital for treatment. He shall record a full statement of the case and forward the same to the Superintendent, who shall forthwith submit it to the Inspector-General, for orders of Government being obtained for the temporary release of the prisoner. Before removing the prisoner, the Superintendent of the Jail shall make necessary arrangements for sending him to the hospital for treatment. The prisoner shall be provided, if necessary, with railway warrants for his journey to and fro, subsistence allowance, and cart hire. The railway warran subsistence or any other allowances for the return journey, may be sent to the officer in charge of the Hospital to be delivered to the prisoner on discharge. The prisoner shall be issued with private clothing on release to be withdrawn on his readmission. If the Medical Officer considers the case so serious as to require an attendant, the Superintendent shall provide a proper attendant. Female prisoners shall be provided with female attendants.

"In the case of prisoners of a dangerous type, who are temporarily

prisoners that have to be attached to a chain after lock-up, when occupying tents and temporary buildings which are insecure."

Rule 507-A.

15. At the end of Chapter XXXV, add the following as Rule 507-A:-

Procedure regarding disposal of warrants of escaped prisoners.

"The warrant of a prisoner who escapes from jail shall be retained in the jail for a period of ten years from the date of his escape. If he is not recaptured within that period, it shall be returned to the committing court with an endorsement that the prisoner escaped from the jail ten years ago and has not been recaptured.

Rule 536

16. Insert the following as sub-rule 536 (2), marking the existing rule 536 as sub-rule (1):-

Supply of hospital clothing and bedding.

"Every patient in hospital shall be provided with a proper mattress and a pillow and with white sheets."

Insert the following as sub-rule (3) of the same rule:-

"If an epileptic is placed in a cell, there shall be no raised masonry berth, but he shall be provided with a mat of a thicker pattern and shall sleep on the floor."

17. Insert the following as sub-rule (4) of Rule 640:- Rule 640.

"In cases of serious illness or where operative skill is required, Superintendents of Jails may, in anticipation of the sanction of the civil court, remove civil prisoners to an outside hospital for treatment. A brief statement of the case and a certificate as to the necessity for the transfer should be furnished to the Inspector General forthwith " Release on grounds of illness.

18. Add the following at the end of Rule 646:- Rule 646:

"or on Sundays or other jail holidays; and provided that,in the case of the subsistence allowance paid by a detaining creditor becoming exhausted, on a Sunday or other jail holiday and not being renewed, the debtor shall not be released on the preceding day, but on the following Monday, or working day, as the case may be." Release of judgment debtor.

19. To Rule 660 add the following as sub-rule (i), the existing sub-rules (i) to (iii) being renumbered (ii) to (iv):- Rule 660:

Production before Court.

"(i) The duty of ascertaining the time at which a prisoner committed to the sessions is to be produced before the Sessions Court, and of providing the necessary escort for this purpose, rests with the Police."

Rule 701:

Appeal to be reported.

20. Add the following as Rule 701-A:

"When a condemned prisoner appeals to the High Court, the Superintendent shall at once inform the District Magistrate."

Rule 707:

Exceptional circumstances may be reported.

21. Add the following as Rule 707-A:-

"In the event of its coming to the knowledge of the Superintendent, at any time before the execution of the sentence, that altogether exceptional circumstances have arisen which palinly demand a re-consideration of the sentence, he is at liberty, anything in the foregoing rules notwithstanding, to report the circumstances by telegraph to the Government, and ask for their orders and to defer execution till they are received.

Rule 710-A:

Attendance of spectators.

22. Add the following as Rule 710-A:-

"When the execution takes place within jail premises, the Superintendent may admit any adult male relative or relatives of the prisoner and any other respectable male adults, up to a maximum of twelve, to witness the execution."

23. Add the following as Rule 751-A:

"When a prisoner confined in a jail under Section 466 of the Code of Criminal Procedure is certified to be 'capable of making his defence, the certificate ~~under~~ made under Section 473 shall be sent, together with a medical history of the case, which should include information as to his conduct while in jail, to the Court before which he is to be tried, in view to the Court appointing a time for trial.

Government are pleased to accept the recommendations of the Committee, except in regard to items 3, 11 and 22 of the items referred to above, and direct that the amendments be carried out in the rules of the Jail Manual.

Rule 751-A:

Certificate under Section 473, Criminal Procedure Code.

23/9/43

Secretary to Government
Law Department.

23/9

To

The Inspector General of Prisons.
" " " Police.
" District Magistrates of Districts.